

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JAMES ELMER PARTIN III
(UNLICENSED)

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DOCKETED COMPLAINT NO.
12-296

AGREED FINAL ORDER

On the 15th day of February, 2013, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of unlicensed activity of James Elmer Partin III (the "Respondent").

In order to conclude this matter, neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

FINDINGS OF FACT

1. Respondent was not licensed or certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 15.19 acres located east of Maple Street on South 27th Street, Abilene, Texas (the "property"), on or about June 19, 2012.
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced appraisal report for the property that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board.
5. Respondent acted as a certified real estate appraiser by appraising the property when he was not so certified under the Act.
6. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(7) by acting as a certified real estate appraiser under the Act when he was not so certified.
3. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS**:

1. **CEASE AND DESIST.** Respondent shall cease and desist from all unlicensed appraisal activities.
2. **ADMINISTRATIVE PENALTY.** Respondent shall pay to the Board an administrative penalty of one thousand five hundred dollars (\$1,500.00), by certified funds, within twenty (20) days of the effective date of this order (i.e. on or before March 7, 2013)
3. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
4. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

Payment of the \$1,500 **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY (20) DAYS** of the date of this Agreed Final Order (i.e. on or before March 7, 2013).

RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.

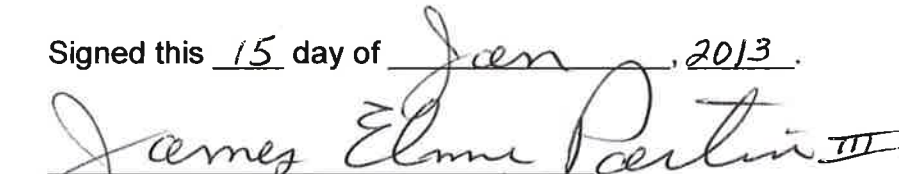
I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE

BOTH AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER, INCLUDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK OR FAILURE TO PROVIDE LOGS.

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 15 day of Jan, 2013.


JAMES ELMER PARTIN III

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15 day of January, 2013, by, to certify which JAMES ELMER PARTIN III, witness my hand and official seal.


Notary Public Signature

Juanita Sachsenmeyer
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 15th day of February, 2013.


Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 15th day of February, 2013.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 15th day of February, 2013.



~~Luis De La Garza~~, Chairperson *Wal Ken Beard*
Texas Appraiser Licensing and Certification Board